HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20732 of 2006

Dated:29.09.2006

Between:

M/s.Arun Enterprises.

…Petitioner

and

State of A.P., and others.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20732 of 2006

ORDER:

The petitioner is a Firm, which obtained mining lease for clay and yellow Ochere in respect of the land admeasuring Acs.17.98 cents in Survey No.874 situated at Thummalur Village in Kadapa District. The lease was granted by orders of the Government, the first respondent herein, in G.O.Ms.No.366, dated 18.08.1984 to the petitioner for a period of twenty years. At the time of expiry of that lease, the petitioner applied for renewal, and the same is pending. It is alleged that even while the application of the petitioner for renewal is pending, and even though under Rule 24-A of the Mineral Concession Rules, 1960, the petitioner is entitled to continue to operate the mining lease, the first respondent granted lese in favour of the third respondent by orders in G.O.Ms.No.55, dated 03.03.2006 ignoring the leasehold rights of the petitioner. The bone of contention is that while granting the lease to the third respondent, the first respondent has also included the land, which was leased out to the petitioner in 1984. Therefore, he filed the instant Writ Petition seeking a writ of mandamus restraining respondents 1 and 2 from executing any lease deed pursuant to G.O.Ms.No.55, dated 03.03.2006.

Learned Counsel for the petitioner has repeated the contentions taken in the affidavit. After hearing the learned Counsel for the

petitioner, this Court is not able to accept any submission. The petitioner has not placed before this Court a copy of G.O.Ms.No.366, dated 18.08.1984, or G.O.Ms.No.55, dated 03.03.2006. The petitioner has also not placed before this Court the mining lease it entered with respondents 1 and 2 on 23.04.1985. In the absence of all these, it is not possible to appreciate the contention that the first respondent granted fresh lease in favour of the third respondent even in respect of the land which is part of the subsisting lease in favour of the petitioner. If the petitioner has any grievance, it is always open to it to approach the first respondent to make a representation for redressal. As and when such representation is made, the same may be considered by the Government with reference to the record.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

29.09.2006

Note: Issue C.C in one week.

B/o.

vs